

# HOUSE BILL 936

P1, P3, P4

11r0865

---

By: **Delegate Stein**

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Office of Legislative Audits – Preliminary Determination or Referral –**  
3 **Confidentiality**

4 FOR the purpose of prohibiting the Office of Legislative Audits from publicly  
5 disseminating a report or announcement regarding a certain audit that refers to  
6 a preliminary determination or referral of findings of a criminal act or an  
7 ethical violation unless a final determination as to whether a criminal act or an  
8 ethical violation was committed has been made by the Attorney General, State's  
9 Attorney, or State Ethics Commission; and generally relating to the Office of  
10 Legislative Audits.

11 BY repealing and reenacting, with amendments,  
12 Article – State Government  
13 Section 2–1225  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – State Government**

19 2–1225.

20 (a) (1) In addition to the reports under § 2–1224 of this subtitle, the  
21 Legislative Auditor shall report an apparent violation of any law on use of State funds  
22 by the unit of the State government or other body that is examined.

23 (2) A report under this subsection shall be submitted to:

24 (i) the Joint Audit Committee;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) the Executive Director;
- 2 (iii) the unit or body that is the subject of the report; and
- 3 (iv) the Office of the Attorney General.

4 (b) (1) If the Legislative Auditor discovers any alleged criminal violation  
5 by a person during the course of an examination, the Legislative Auditor shall report  
6 the alleged violation to the Attorney General and an appropriate State's Attorney.

7 (2) A report under this subsection shall ask the Attorney General and  
8 State's Attorney to take appropriate action.

9 (3) Unless the Attorney General or State's Attorney decides to  
10 prosecute an alleged criminal violation reported under this subsection, the Attorney  
11 General and State's Attorney shall keep the report of the Legislative Auditor under  
12 this subsection confidential.

13 (4) The Attorney General may investigate and prosecute any alleged  
14 criminal violation reported under this subsection and has all the powers and duties of  
15 a State's Attorney, including the use of a grand jury in any county or Baltimore City,  
16 to investigate and prosecute the alleged violation.

17 (c) (1) The Office of the Attorney General shall respond, in writing, to a  
18 report received from the Legislative Auditor under this section.

19 (2) The response of the Attorney General shall include what actions, if  
20 any, were taken as a result of the findings of the Legislative Auditor.

21 (3) The response of the Attorney General shall be submitted to:

- 22 (i) the Joint Audit Committee;
- 23 (ii) the Executive Director;
- 24 (iii) the unit or body that is the subject of the report; and
- 25 (iv) the Legislative Auditor.

26 **(D) THE OFFICE OF LEGISLATIVE AUDITS MAY NOT PUBLICLY**  
27 **DISSEMINATE A REPORT OR ANNOUNCEMENT REGARDING AN AUDIT THAT**  
28 **REFERS TO A PRELIMINARY DETERMINATION OR REFERRAL OF FINDINGS OF A**  
29 **CRIMINAL ACT OR AN ETHICAL VIOLATION UNLESS A FINAL DETERMINATION AS**  
30 **TO WHETHER A CRIMINAL ACT OR AN ETHICAL VIOLATION WAS COMMITTED HAS**  
31 **BEEN MADE BY THE ATTORNEY GENERAL, STATE'S ATTORNEY, OR STATE**  
32 **ETHICS COMMISSION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2011.